

REMARKS

Reconsideration of the application in light of the amendments and following remarks is respectfully requested.

Status of the Claims

Claims 1-5 are pending.

Claims 1-5 have been amended, no new matter is added.

Claims 6 and 7 have been added, no new matter is added.

Status of the Specification

The Specification has been amended and the amendments do not add new matter. The Specification has been amended to clarify the features of the engagement groove.

Rejection Under 35 U.S.C. § 102

Claims 1-5 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,155,739 to Sekine et al. ("Sekine"). The Examiner contends that Sekine discloses all the elements of the claim. The Examiner states that "the limitation requiring the flexible member to be engaged with the positioning recess is considered to be met by Sekine et al. in so far as Sekine's flexible member 405 is capable of being engaged with the positioning recess A2." Applicants respectfully traverse the rejection.

Claim 1 recites "a shaft body having a positioning recess... and a flexible member... to be engaged with the positioning recess." According to the MPEP § 2131, "to anticipate a claim, the {W:\04970\0200979us0\00536634.DOC 11/11/2010 10:10:10 AM }

reference must teach every element of the claim.” Therefore, to anticipate claim 1 a reference must teach a flexible member engaged with the positioning recess.

Sekine does not disclose this feature, and thus, does not anticipate the reference. Sekine discloses a clip 405 (regarded by the Examiner as the flexible member) having a number of trapezoid pieces which are adjacent bolt bores and a yoke 101. Sekine does not disclose a clip engaging a recess in the shaft body (Sekine, shaft 102). The trapezoid pieces 405f and 405j of Sekine’s clip which are nearest the recess are disposed on the open side of the yoke above the recess. Thus, the trapezoid pieces would need to be extended downward in order to engage the recess requiring more material and additional costs. Further, Sekine discloses that “the shaft is inserted into the U-shaped groove from an open side thereof” (Sekine, column 2, lines 66-67). Consequently, were Sekine’s trapezoid pieces, 405f and 405j extended downward to engage the recess they would prevent the bulk of the shaft 102 from being inserted into the open side of the U-shaped groove. For the foregoing reasons, there is no motivation to extend the trapezoid pieces or any part of Sekine’s clip to engage the recess of the shaft as suggested by the Examiner. Additionally, Sekine does not disclose or suggest providing a flexible member which engages a positioning recess of the shaft body. Thus, Sekine does not anticipate claim 1. Claims 2-5 depend from claim 1 and are patentable for at least the same reasons as claim 1. Applicants respectfully request that the rejection be withdrawn.

Claims 1-5 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,474,898 to Aota et al. (“Aota”). The Examiner contends that Aota discloses all the elements of the claim. The Examiner states that “the limitation requiring the flexible member to be engaged with the positioning recess is considered to be met by Aota et al. in so far as Aota’s flexible

{W:\04970\0200979us0\00536634.DOC 11/11/2010 10:10:10 AM}

member 30 is capable of being engaged with the positioning recess 47.” Applicants respectfully traverse the rejection.

Aota does not teach every element of the claim, and therefore does not anticipate claim 1. The radial recess 47 disclosed by Aota is engaged by the bolt 17 to prevent axial shifts between the shaft 5 and the yoke 3. U-bent peripheral wall 30 of the presser plate 6 (which the Examiner regards as the flexible member) does not engage the recess but instead includes end portions “opposed to the upper taper surfaces 12,13 of the shaft” (Aota, column 3, lines 23-24). Were the end portions of Aota’s presser plate 6 to engage the radial recess 47, the radial recess 47 would have to be widened to allow room for the presser plate. However, widening recess 47 would allow bolt 17 to experience axial shifting, which would not be limited by the peripheral wall 30 of the presser plate 6 because this part is flexible. Thus, there would be no motivation to widen recess 47 and allow the peripheral wall 30 of the presser plate 6 to engage the recess 47. Therefore, Aota does teach or suggest the features of claim 1, which recites “a shaft body having a positioning recess... and a flexible member... to be engaged with the positioning recess.” Claims 2-5 depend from claim 1 and are patentable for at least the same reasons as claim 1. Applicants respectfully request that the rejection be withdrawn.

CONCLUSION

Each and every point raised in the Office Action, dated June 30, 2005, has been addressed on the basis of the above amendments and remarks. In view of the foregoing it is believed that pending claims 1-5, as amended, are in condition for allowance and it is respectfully requested that the pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated:

Respectfully submitted,

By 

Louis J. DeJodice

Registration No.: 47,522

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant